

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA** )  
                                  )  
                                  )  
v.                              )   **CASE NO. 2:07-cr-28-MEF**  
                                  )  
**CLARENCE EARL BIVINS**    )

**ORDER**

This cause is before the Court on the Motion to Suppress (Doc. # 20) filed by Defendant Clarence Earl Bivins. The Court has carefully reviewed the Motion to Suppress, the Response to Motion to Suppress (Doc. # 27) filed by the Government, the transcript of the June 5, 2007 hearing on the Motion to Suppress (Doc. # 29), the Recommendation of the Magistrate Judge (Doc. # 30), and the Objections to the Report of the Magistrate Judge (Doc. # 32). The Court cannot agree with Defendant Clarence Earl Bivins's contention that his rights under the Fourth Amendment to the Constitution were violated and that the evidence against him is due to be suppressed. Accordingly, the Court accepts the Recommendation of the Magistrate Judge that the Motion to Suppress (Doc. # 20) is due to be DENIED and OVERRULES Defendant's objections to that Recommendation. It is hereby ORDERED that the Motion to Suppress (Doc. # 20) is DENIED.

Done this the 30<sup>th</sup> day of August, 2007.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE